

CIVIL DOCKET
UNITED STATES DISTRICT COURT

BARROW
Jury demand date:

71-C-140

D. C. Form No. 106A Rev.

TITLE OF CASE		ATTORNEYS					
<p>TULSA-JETCO, INC.</p> <p>vs</p> <p>WILLIAM W. KIMMINS & SONS, INC.</p>		<p>For plaintiff:</p> <p>Charles Schuerenberg 410 West Main Mesquite, Texas 75149 (285-0331)</p> <p>Jack K. Mayberry BASSMANN, GORDON, MAYBERRY & SCARTH 212 South Missouri Claremore, Oklahoma 74107 (266-2681)</p> <p>For defendant:</p> <p>CRAWFORD, RIZLEY & PRICHARD Joel Wohlgemuth 1414 First Nat'l Bldg. Tulsa, Oklahoma 74103</p> <p>John H. Stenger Jaedkle, Fleischmann & Mugel 700 Liberty Bnk Bldg. Buffalo, New York 14202</p>					
STATISTICAL RECORD	COSTS		DATE	NAME OR RECEIPT NO.	REC.	DISB.	
J.S. 5 mailed 5-1-71	Clerk		4-21-71	Mayberry	15 00		
			4-22-71	C.D.No. 47		15 00	
J.S. 6 mailed 3-1-73	Marshal						
Basis of Action: Demands Judgment for parts & Labor	Docket fee						
	Witness fees						
Action arose at:	Depositions						

DATE	PROCEEDINGS	Date Order or Judgment Noted
4-21-71	Complaint filed. Summons issued. m	
5-25-71	Summons, returned & filed: served Wm. W. Kimmins & Son Inc. at Kenmore, N.Y., 5-17-71 (USM \$544.)g	
6-2-71	Deft's Application for Extension of Time within which to plead = Filed. r	
6-2-71	Order granting extension of time within which Deft. may plead or answer - given 15 days in which to plead. (JHP-Clerk) filed. r	
6-16-71	Deft's motion to dismiss, filed. m	
6-16-71	Brief in support of motion to dismiss, filed. m	
6-17-71	Ordered that pltf. file responsive brief within 10 days to deft's motion to dismiss. (AEB-J)m	
6-28-71	Application of plaintiff for order authorizing attachment of exhibits to complaint, filed. v	
6-28-71	Responsive brief, filed. v	
8-30-71	Order overruling defendant's motion to dismiss, filed; plaintiff's application for leave to attach exhibits to complaint granted, and exhibits to be added with 5 days from this date. (AEB-J)g copies mailed.g	
9-3-71	Exhibit A received in mail from Jack K. Mayberry, attorney for defendant, and attached to complaint, as per order of court dated 8-30-71. dsr	
9-14-71	Defendant's Answer and Counterclaim, filed. v	
1-13-72	Application for Additional Time to Plead of the Plaintiff, filed. v Order Allowing Additional Time to Plead, filed. (AEB-J)v <i>Copies mailed</i>	
6-6-72	Case set for disposition 6-13-72 at 10:00 a.m. (AEB-J)hm	
6-13-72	Case called for disposition. Plaintiff represented by Jack K. Mayberry, defendant rep. by T. Hayden Crawford. By request of plaintiff, and permission of court, plaintiff files <u>Reply to Counterclaim</u> in open court. Def. objects. Court directs parties to hold pre-trial. (AEB-J)h	
7-25-72	Parties directed to hold pre-trial conference prior to 9-6-72 and filed pre-trial order not later than 9-13-72. (AEB-J)h	
9-1-72	Appl. for extension of time to file pre-trial order, filed by Deft. v <i>order to if</i>	
9-11-72	Order allowing extension of time within which to file pre-trial order, filed, (to 9-15-72). (AEB-J)hm (copies mailed)	
9-20-72	Pre-trial order filed. (AEB-J)h	
1-26-73	Ordered by the Court that this Case is set for Non-Jury Trial on February 6, 1973, at 10:00 A.M. (AEB-J)v -notices mailed.	
2-2-73	Notice of appearance filed.h	
2-6-73	Case called for non-jury trial and passed to Weds. 2-7-73 at 10:00am. (AEB-J)h	
2-7-73	Case called for non-jury trial to Ct. Parties present and rep. Def.'s Mo/file amended counter-claim, brief in support, Order granting same, and Amended Counter-claim, filed in open court. Parties waive opening statements. Court in session and parties announce settlement and orally dismissed case w/prejudice. Parties directed to prepare order of dismissal (AEB-J)rm	
2-7-73	Pltfs. exhibits 1 and 5, filed. (Pltf. request withdrawal of same) rm	
2-7-73	Minute Order: Ordered that plaintiffs are granted leave to withdraw their trial exhibits 1 and 5. (AEB-J)rm	
2-7-73	Dismissal with prejudice of complaint, and def. counter-claim, filed and entered. (AEB-J)rm - copies to all counsel	